

By Thurmond  
Clayton

H. B. No. 1721

A BILL TO BE ENTITLED

AN ACT

amending Chapter 5, Water Code, by adding Section 5.1211 to the Water Code, providing that holders of permits, certified filings, and certificates of adjudication to obtain authority from the Texas Water Rights Commission to change or alter a water right; providing that the Texas Water Rights Commission shall promulgate rules; providing for repeal of inconsistent Acts; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 5, Water Code, is amended by adding Section 5.1211 to read as follows:

"Sec. 5.1211. AMENDMENTS TO WATER RIGHTS REQUIRED. (a) All holders of permits, certified filings, and certificates of adjudication issued under Section 5.323 of this code shall obtain from the commission authority to change the place of use, purpose of use, diversion point or rates, acreage to be irrigated, or otherwise alter a water right.

"(b) The commission shall adopt rules to effectuate the provisions of this section."

Sec. 2. Any law or laws of this state which are inconsistent with this Act are hereby expressly repealed; however, this Act is meant to be cumulative of existing laws and is meant to be reconciled with existing laws where possible.

Sec. 3. The fact that a recent court decision has limited

1 the power of the Texas Water Rights Commission to supervise and  
2 regulate all holders of water rights in a similar manner which  
3 is in conflict with the intent of previous Acts of the legislature,  
4 and because the holding in Clark v. Briscoe, 200 S.W.2d 674 (Tex.  
5 Civ. App., 1947), has been ignored and impaired, and because of  
6 the potential power to change water rights without continuing  
7 supervision of the state through the Texas Water Rights Commission  
8 severely affects the statutory power of the commission to regulate,  
9 cancel, and administer the Water Rights Adjudication Act, create  
10 an emergency and an imperative public necessity that the  
11 constitutional rule requiring bills to be read on three several  
12 days in each house be suspended, and this rule is hereby suspended,  
13 and that this Act take effect and be in force from and after its  
14 passage, and it is so enacted.

## COMMITTEE REPORT

Date May 16, 1973

HONORABLE PRICE DANIEL, JR.

Speaker of the House of Representatives.

Sir:

We, your Committee on NATURAL Resource, to whom wasreferred H.B. No. 1721, have had the same under considerationand beg to report back with recommendation that it (do ~~not~~) pass.The Committee recommends that this measure be considered for the ~~1-1-1~~ Consent Calendar. (Yes)

House sponsor of Senate measure: \_\_\_\_\_

The measure was reported from Committee by the following record vote:

<u>10</u>	ayes
<u>0</u>	nays
<u>5</u>	present, not voting
<u>8</u>	absent

Gib Lewis  
Chairman.

This measure proposes new law.

Committee on Natural Resources

BILL ANALYSIS

Background Information:

It is believed that holders of permits, certified filings, and certificates of adjudication should not be able to change the place of use, purpose of use, diversion point or rates, acreage to be irrigated, or otherwise alter a water right without the Texas Water Rights Commission's authorizing the change.

What this Bill Proposes To Do:

H.B. 1721 requires authorization by the Texas Water Rights Commission before the above changes may be made. Provides that the Commission shall adopt rules to effectuate the Act.

Section by Section Analysis:

Section 1. (a) Requires holders of permits, certified filings and certificates of adjudication to receive authorization from the Texas Water Rights Commission before changing the place of use, the purpose of use, the diversion point or rates, or acreage to be irrigated, or otherwise altering a water right.

(b) Requires the Commission to adopt rules to effectuate the Act.

Section 2. Provides for repeal of laws that are conflicting and for reconciliation with laws when possible.

Section 3. Emergency Clause.

Summary of Committee Action:

Notice having been posted May 10, 1973, the Committee on Natural Resources considered H.B. No. 1721. It was moved and seconded that H.B. No. 1721 be sent back to the House with the recommendation that it do pass *and be placed on the Consent Calendar*

The Motion was adopted by the following vote: 10 Ayes, 0 Nays, 5 Present Not Voting, 8 Absent. This measure proposes new law.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

May 15, 1973

Honorable Gibson (Gib) Lewis, Chairman  
Committee on Natural Resources  
House of Representatives  
Austin, Texas 78701

In Re: House Bill No. 1721  
By: Massey, Clayton

Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications of House Bill No. 1721 (providing that holders of permits, certified filings, and certificates of adjudication to obtain authority from the Texas Water Rights Commission to change or alter a water right) to be as follows:

No appreciable cost to the State is anticipated in the event House Bill No. 1721 should pass and become law.



Thomas M. Keel  
Legislative Budget Director

We the undersigned  
object to HB 1720 being  
HB 1721  
on the consent calendar

James S. Veech  
Woody Denson  
Mattox  
Paul Ragsdale  
Bar T. Rys

H.B. No. 1721

By Murray

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MAY 8 1973

PERMISSION GRANTED TO INTRODUCE

FILED MAY 8 1973

MAY 8 1973 READ 1ST TIME  
AND REFERRED TO COMMITTEE ON  
Natural Resources

Dorothy Hallman  
Chief Clerk, House of Representatives

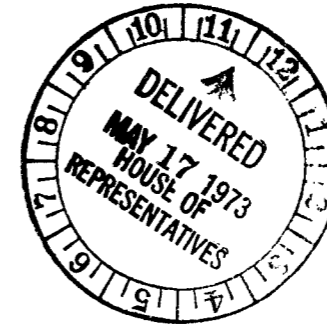
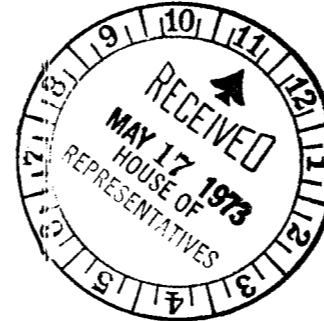
MAY 15, 1973 sent to  
Date

Legislative Budget Board for

Fiscal note

Lib Lewis  
Chairman

MAY 16 1973 REPORTED FAVORABLY SENT TO PRINTER



PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

CALENDARS 11:30 A (Time) MAY 17 1973 (Date)

MAY 21 1973

READ SECOND

TIME \_\_\_\_\_ AND

ORDERED \_\_\_\_\_ ENGROSSED

not record vote

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 21 1973

Read third time

and Passed

by following vote yeas \_\_\_\_\_

Nays \_\_\_\_\_  
Dorothy Hallman  
Chief Clerk  
HOUSE OF REPRESENTATIVES